

## REMARKS

Claims 1, 8-20, 22, 23, 27-31, 36-45, and 48-58 are pending in the application.

By the foregoing Amendment, claims 1, 8, 10, 16-20, 22, 23, 31, 36, 42-45, 48, 49, 52, and 53 are amended. Claims 2-4, 6, 7, 21, 24-26, 32-35, 46, and 47 are canceled without prejudice or disclaimer. The specification is amended to correct obvious transcription errors.

Claims 1 and 31 are amended in order to more precisely define the attributes of the inventive font and method relative to the prior art. Claims 8, 17-20, 22, 23, 36, 42-45, 48, and 49 are amended for consistency with the amendments made to claims 1 and 31. Claim 16 is amended to correct a grammatical error. Claims 10, 52, and 53 are amended to clarify that the points are distinct from the corners from which they extend.

These changes are believed not to introduce new matter, and entry of the Amendment is respectfully requested.

Based on the above Amendment and the following Remarks, Applicant respectfully requests that the Examiner reconsider all outstanding rejections, and withdraw them.

### Rejections under 35 U.S.C. § 103

#### 1. Claims 1, 9, 10, 13-16, 24, 25, 28-31, 38-41, 50-53, and 56-58

In paragraph 4 of the Office Action, claims 1, 9, 10, 13-16, 24, 25, 28-31, 38-41, 50-53, and 56-58 were rejected under section 103(a) as being unpatentable over Chepaitis in view of Desrosiers. This rejection is overcome by the amendment of claim 1 to incorporate the limitations of claims 2-4; and by the cancellation of claims 24 and 25.

With respect to claims 10, 52, and 53, their rejection also is believed to be overcome by the amendments thereto. Claims 10, 52, and 53 as amended recite that small points extend

outwardly from the top corners of the square frames. In Chepaitis, the frames are simple squares, lacking small points extending outwardly from their top corners.

Accordingly, it is respectfully submitted that the invention as recited in claims 1, 9, 10, 13-16, 28-31, 38-41, 50-53, and 56-58 is patentable over Chepaitis in view of Desrosiers; and that the rejection should be withdrawn.

2. Claims 2-4, 6-8, 17-23, 32-36, and 42-49

In paragraph 4 of the Office Action, claims 2-4, 6-8, 17-23, 32-36, and 42-49 were rejected under section 103(a) as being unpatentable over Chepaitis in view of Desrosiers, and further in view of Jeffrey. This rejection is overcome by the amendment of claim 1 to incorporate the limitations of claims 2-4, as well as additional limitations relating to differences between the inventive font and the prior art; and by the cancellation of claims 2-4, 6, 7, 21, 32-35, 46, and 47.

As explained in paragraph 00035 of the application:

The dynamic tactile font in accordance with the present invention provides three distinct areas of innovation relative to the prior art ELIA™ font: (1) the font in accordance with the present invention is a dynamic font that changes shape according to font size, holding certain essential font attributes constant while varying other essential measurements (line width, spacing and element location) as font size changes; (2) the font in accordance with the present invention effects a redesign of a number of the prior art ELIA™ font's symbols, as well as some basic redesign of the frame shapes and principles behind the prior art ELIA™ font's overall design; and (3) the font in accordance with the present invention contemplates the addition of multiple colors or a clear tactile printing medium such as ink to the use of tactile fonts so that the sighted and visually impaired can both read text printed using the tactile font.

As further explained in paragraphs 00037-00044

The font in accordance with the present invention is "dynamic" in that the symbol shape, inter-symbol spacing, and symbol line width change in ways that a

conventional font's attributes do not. There are seven such major differences. In the dynamic tactile font in accordance with the present invention:

- (1) Inter-symbol spacing changes by a non-constant ratio.
- (2) Line width changes by a non-constant ratio.
- (3) Symbol element ratios changes by a non-constant ratio.
- (4) Symbol element location changes by non-constant ratios.
- (5) Symbol shape changes from font size to font size.
- (6) Symbol elements can be present at some sizes and not present at other sizes or the element sizes can vary in different, non-constant proportions to each other.
- (7) At one size, because the font is "dynamic," the symbol elements remain fixed or vary based on their location on the computer display screen (i.e., on a computer screen for enlarged text, symbols displayed in the middle of the screen look different than when they are displayed at the side of the screen).

Attributes (1)-(6), which apply to the inventive font both as printed and as displayed on a display screen, are recited in amended claims 1 and 31; while attribute (7), which applies to the inventive font as displayed on a display screen, is recited in amended dependent claims 8, 23, and 49.

MPEP 2141 lists seven exemplary rationales that may support a conclusion of obviousness:

- (A) Combining prior art elements according to known methods to yield predictable results;
- (B) Simple substitution of one known element for another to obtain predictable results;
- (C) Use of known technique to improve similar devices (methods, or products) in the same way;

- (D) Applying a known technique to a known device (method, or product) ready for improvement to yield predictable results;
- (E) “Obvious to try” - choosing from a finite number of identified, predictable solutions, with a reasonable expectation of success;
- (F) Known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations are predictable to one of ordinary skill in the art;
- (G) Some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference or to combine prior art reference teachings to arrive at the claimed invention.

All of these rationales are predicated on the predictability of the results when the references are combined as proposed in the Office Action. Assuming for the sake of argument that the Office Action accurately characterizes the teachings of the references, it is respectfully submitted that the results of modifying Chepaitis as taught by Desrosiers -- to hold certain font attributes constant while varying others as font size changes, and further to vary specific attributes as taught by Jeffrey -- would have been anything but predictable. The Declaration Under Rule § 1.132 of Andrew Chepaitis is submitted herewith as evidence of the lack of predictability with respect to how varying the font attributes as recited in amended claims 1 and 31 would affect the ease with which specific symbols can be identified.

Even applying the traditional teaching/suggestion/motivation test does not give rise to a *prima facie* case of obviousness. At best, Chepaitis in view of Desrosiers and further in view of Jeffrey might have made it obvious to one of ordinary skill in the art to try varying different font attributes as the font size changes. However, as pointed out in MPEP 2141, “obvious to try”

does not equate to obviousness unless the solutions are predictable and have a reasonable expectation of success. As demonstrated by Mr. Chepaitis's Declaration, the solutions are not predictable; and being unpredictable, do not have a reasonable expectation of success.

Accordingly, it is respectfully submitted that the invention as recited in claims 8, 17-23, 36, and 42-45, 48, and 49 is patentable over Chepaitis in view of Desrosiers, and further in view of Jeffrey; and that the rejection should be withdrawn.

3. Claims 11, 26, and 54

In paragraph 4 of the Office Action, claims 11, 26, and 54 were rejected under section 103(a) as being unpatentable over Chepaitis in view of Desrosiers, and further in view of Fujisawa et al. This rejection is overcome by the amendment of claim 1 to incorporate the limitations of claims 2-4; and by the cancellation of claim 26.

Accordingly, it is respectfully submitted that the invention as recited in claims 11 and 54 is patentable over Chepaitis in view of Desrosiers, and further in view of Fujisawa et al.; and that the rejection should be withdrawn.

4. Claims 12, 27, 37, and 55

In paragraph 4 of the Office Action, claims 12, 27, 37, and 55 were rejected under section 103(a) as being unpatentable over Chepaitis in view of Desrosiers, and further in view of Prince et al. This rejection is overcome by the amendment of claim 1 to incorporate the limitations of claims 2-4.

Accordingly, it is respectfully submitted that the invention as recited in claims 12, 27, 37, and 55 is patentable over Chepaitis in view of Desrosiers, and further in view of Prince et al.; and that the rejection should be withdrawn.

### Conclusion

All rejections have been complied with, properly traversed, or rendered moot. Thus, it now appears that the application is in condition for allowance. Should any questions arise, the Examiner is invited to call the undersigned representative so that this case may receive an early Notice of Allowance.

Favorable consideration and allowance are earnestly solicited.

Respectfully submitted,

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Date: February 19, 2008

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**Enclosure: Declaration Under Rule § 1.132 of Andrew Chepaitis and attachments thereto  
Petition For Extension Of Time  
Credit Card Payment Form**